

SECOND REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
CONFERENCE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 756

93RD GENERAL ASSEMBLY
2006

3816L.07T

AN ACT

To repeal sections 195.017, 324.245, 324.247, 324.257, 324.262, 324.265, 324.270, 332.071, 334.103, 334.104, 334.706, 334.708, 334.715, 334.721, 337.500, 337.510, 337.615, 340.222, 340.234, 621.100, and 621.110, RSMo, and to enact in lieu thereof twenty-two new sections relating to licensing and registration of certain professionals.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 195.017, 324.245, 324.247, 324.257, 324.262, 324.265, 324.270, 332.071, 334.103, 334.104, 334.706, 334.708, 334.715, 334.721, 337.500, 337.510, 337.615, 340.222, 340.234, 621.100, and 621.110, RSMo, are repealed and twenty-two new sections enacted in lieu thereof, to be known as sections 195.017, 324.245, 324.247, 324.257, 324.262, 324.265, 324.270, 332.052, 332.071, 334.103, 334.104, 334.706, 334.708, 334.715, 334.721, 337.500, 337.510, 337.615, 340.222, 340.234, 621.100, and 621.110, to read as follows:

195.017. 1. The department of health and senior services shall place a substance in Schedule I if it finds that the substance:

- (1) Has high potential for abuse; and
- (2) Has no accepted medical use in treatment in the United States or lacks accepted safety for use in treatment under medical supervision.

2. Schedule I:

- (1) The controlled substances listed in this subsection are included in Schedule I;

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

9 (2) Any of the following opiates, including their isomers, esters, ethers,
10 salts, and salts of isomers, esters, and ethers, unless specifically excepted,
11 whenever the existence of these isomers, esters, ethers and salts is possible
12 within the specific chemical designation:

- 13 (a) Acetyl-alpha-methylfentanyl;
14 (b) Acetylmethadol;
15 (c) Allylprodine;
16 (d) Alphacetylmethadol;
17 (e) Alphameprodine;
18 (f) Alphamethadol;
19 (g) Alpha-methylfentanyl;
20 (h) Alpha-methylthiofentanyl;
21 (i) Benzethidine;
22 (j) Betacetylmethadol;
23 (k) Beta-hydroxyfentanyl;
24 (l) Beta-hydroxy-3-methylfentanyl;
25 (m) Betameprodine;
26 (n) Betamethadol;
27 (o) Betaprodine;
28 (p) Clonitazene;
29 (q) Dextromoramide;
30 (r) Diampromide;
31 (s) Diethylthiambutene;
32 (t) Difenoxin;
33 (u) Dimenoxadol;
34 (v) Dimepheptanol;
35 (w) Dimethylthiambutene;
36 (x) Dioxaphetyl butyrate;
37 (y) Dipipanone;
38 (z) Ethylmethylthiambutene;
39 (aa) Etonitazene;
40 (bb) Etoxidine;
41 (cc) Furethidine;
42 (dd) Hydroxypethidine;
43 (ee) Ketobemidone;
44 (ff) Levomoramide;

- 45 (gg) Levophenacylmorphane;
- 46 (hh) 3-Methylfentanyl;
- 47 (ii) 3-Methylthiofentanyl;
- 48 (jj) Morpheridine;
- 49 (kk) MPPP;
- 50 (ll) Noracymethadol;
- 51 (mm) Norlevorphanol;
- 52 (nn) Normethadone;
- 53 (oo) Norpipanone;
- 54 (pp) Para-fluorofentanyl;
- 55 (qq) PEPAP;
- 56 (rr) Phenadoxone;
- 57 (ss) Phenampromide;
- 58 (tt) Phenomorphan;
- 59 (uu) Phenoperidine;
- 60 (vv) Piritramide;
- 61 (ww) Proheptazine;
- 62 (xx) Properidine;
- 63 (yy) Propiram;
- 64 (zz) Racemoramide;
- 65 (aaa) Thiofentanyl;
- 66 (bbb) Tilidine;
- 67 (ccc) Trimeperidine;
- 68 (3) Any of the following opium derivatives, their salts, isomers and salts
- 69 of isomers unless specifically excepted, whenever the existence of these salts,
- 70 isomers and salts of isomers is possible within the specific chemical designation:
- 71 (a) Acetorphine;
- 72 (b) Acetyldihydrocodeine;
- 73 (c) Benzylmorphine;
- 74 (d) Codeine methylbromide;
- 75 (e) Codeine-N-Oxide;
- 76 (f) Cyprenorphine;
- 77 (g) Desomorphine;
- 78 (h) Dihydromorphine;
- 79 (i) Drotebanol;
- 80 (j) Etorphine; (except Hydrochloride Salt);

- 81 (k) Heroin;
- 82 (l) Hydromorphenol;
- 83 (m) Methyldesorphine;
- 84 (n) Methyldihydromorphine;
- 85 (o) Morphine methylbromide;
- 86 (p) Morphine methyl sulfonate;
- 87 (q) Morphine-N-Oxide;
- 88 (r) Morphine;
- 89 (s) Nicocodeine;
- 90 (t) Nicomorphine;
- 91 (u) Normorphine;
- 92 (v) Pholcodine;
- 93 (w) Thebacon;
- 94 (4) Any material, compound, mixture or preparation which contains any
- 95 quantity of the following hallucinogenic substances, their salts, isomers and salts
- 96 of isomers, unless specifically excepted, whenever the existence of these salts,
- 97 isomers, and salts of isomers is possible within the specific chemical designation:
- 98 (a) 4-bromo-2,5-dimethoxyamphetamine;
- 99 (b) 4-bromo-2, 5-dimethoxyphenethylamine;
- 100 (c) 2,5-dimethoxyamphetamine;
- 101 (d) 2,5-dimethoxy-4-ethylamphetamine;
- 102 (e) 2,5-dimethoxy-4-(n)-propylthiophenethylamine;
- 103 (f) 4-methoxyamphetamine;
- 104 (g) 5-methoxy-3,4-methylenedioxyamphetamine;
- 105 (h) 4-methyl-2,5-dimethoxy amphetamine;
- 106 (i) 3,4-methylenedioxyamphetamine;
- 107 (j) 3,4-methylenedioxymethamphetamine;
- 108 (k) 3,4-methylenedioxy-N-ethylamphetamine;
- 109 (l) N-nydroxy-3, 4-methylenedioxyamphetamine;
- 110 (m) 3,4,5-trimethoxyamphetamine;
- 111 (n) Alpha-ethyltryptamine;
- 112 (o) Benzylpiperazine or B.P.;
- 113 (p) Bufotenine;
- 114 (q) Diethyltryptamine;
- 115 (r) Dimethyltryptamine;
- 116 (s) Ibogaine;

- 117 (t) Lysergic acid diethylamide;
- 118 (u) Marijuana; (Marihuana);
- 119 (v) Mescaline;
- 120 (w) Parahexyl;
- 121 (x) Peyote, to include all parts of the plant presently classified botanically
- 122 as *Lophophora Williamsii* Lemaire, whether growing or not; the seeds thereof; any
- 123 extract from any part of such plant; and every compound, manufacture, salt,
- 124 derivative, mixture or preparation of the plant, its seed or extracts;
- 125 (y) N-ethyl-3-piperidyl benzilate;
- 126 (z) N-methyl-3-piperidyl benzilate;
- 127 (aa) Psilocybin;
- 128 (bb) Psilocyn;
- 129 (cc) Tetrahydrocannabinols;
- 130 (dd) Ethylamine analog of phencyclidine;
- 131 (ee) Pyrrolidine analog of phencyclidine;
- 132 (ff) Thiophene analog of phencyclidine;
- 133 (gg) 1-(3-Trifluoromethylphenyl)piperazine or TFMPP;
- 134 (hh) 1-(1-(2-thienyl)cyclohexyl) pyrrolidine;
- 135 (ii) *Salvia divinorum*;
- 136 (jj) Salvinorin A;
- 137 (5) Any material, compound, mixture or preparation containing any
- 138 quantity of the following substances having a depressant effect on the central
- 139 nervous system, including their salts, isomers and salts of isomers whenever the
- 140 existence of these salts, isomers and salts of isomers is possible within the
- 141 specific chemical designation:
- 142 (a) Gamma hydroxybutyric acid;
- 143 (b) Mecloqualone;
- 144 (c) Methaqualone;
- 145 (6) Any material, compound, mixture or preparation containing any
- 146 quantity of the following substances having a stimulant effect on the central
- 147 nervous system, including their salts, isomers and salts of isomers:
- 148 (a) Aminorex;
- 149 (b) Cathinone;
- 150 (c) Fenethylamine;
- 151 (d) Methcathinone;
- 152 (e) (+) cis - 4 - methyl aminorex ((+) cis - 4,5 - dihydro -

153 4-methyl-5-phenyl-2-oxazolamine);

154 (f) N-ethylamphetamine;

155 (g) N,N-dimethylamphetamine;

156 (7) A temporary listing of substances subject to emergency scheduling
157 under federal law shall include any material, compound, mixture or preparation
158 which contains any quantity of the following substances:

159 (a) N-(1-benzyl-4-piperidyl)-N-phenyl-propanamide (benzylfentanyl), its
160 optical isomers, salts and salts of isomers;

161 (b) N-(1-(2-thienyl)methyl-4-piperidyl)-N-phenylpropanamide
162 (thenylfentanyl), its optical isomers, salts and salts of isomers;

163 (c) Alpha-Methyltryptamine, or (AMT);

164 (d) 5-Methoxy-N,N-Diisopropyltryptamine, or(5-MeO-DIPT);

165 (8) Khat, to include all parts of the plant presently classified botanically
166 as *catha edulis*, whether growing or not; the seeds thereof; any extract from any
167 part of such plant; and every compound, manufacture, salt, derivative, mixture,
168 or preparation of the plant, its seed or extracts.

169 3. The department of health and senior services shall place a substance
170 in Schedule II if it finds that:

171 (1) The substance has high potential for abuse;

172 (2) The substance has currently accepted medical use in treatment in the
173 United States, or currently accepted medical use with severe restrictions; and

174 (3) The abuse of the substance may lead to severe psychic or physical
175 dependence.

176 4. The controlled substances listed in this subsection are included in
177 Schedule II:

178 (1) Any of the following substances whether produced directly or indirectly
179 by extraction from substances of vegetable origin, or independently by means of
180 chemical synthesis, or by combination of extraction and chemical synthesis:

181 (a) Opium and opiate and any salt, compound, derivative or preparation
182 of opium or opiate, excluding apomorphine, thebaine-derived butorphanol,
183 dextrorphan, nalbuphine, nalmefene, naloxone and naltrexone, and their
184 respective salts but including the following:

185 a. Raw opium;

186 b. Opium extracts;

187 c. Opium fluid;

188 d. Powdered opium;

- 189 e. Granulated opium;
190 f. Tincture of opium;
191 g. Codeine;
192 h. Ethylmorphine;
193 i. Etorphine hydrochloride;
194 j. Hydrocodone;
195 k. Hydromorphone;
196 l. Metopon;
197 m. Morphine;
198 n. Oxycodone;
199 o. Oxymorphone;
200 p. Thebaine;
- 201 (b) Any salt, compound, derivative, or preparation thereof which is
202 chemically equivalent or identical with any of the substances referred to in this
203 subdivision, but not including the isoquinoline alkaloids of opium;
- 204 (c) Opium poppy and poppy straw;
- 205 (d) Coca leaves and any salt, compound, derivative, or preparation of coca
206 leaves, and any salt, compound, derivative, or preparation thereof which is
207 chemically equivalent or identical with any of these substances, but not including
208 decocainized coca leaves or extractions which do not contain cocaine or ecgonine;
- 209 (e) Concentrate of poppy straw (the crude extract of poppy straw in either
210 liquid, solid or powder form which contains the phenanthrene alkaloids of the
211 opium poppy);
- 212 (2) Any of the following opiates, including their isomers, esters, ethers,
213 salts, and salts of isomers, whenever the existence of these isomers, esters, ethers
214 and salts is possible within the specific chemical designation, dextrorphan and
215 levopropoxyphene excepted:
- 216 (a) Alfentanil;
217 (b) Alphaprodine;
218 (c) Anileridine;
219 (d) Bezitramide;
220 (e) Bulk Dextropropoxyphene;
221 (f) Carfentanil;
222 (g) Butyl nitrite;
223 (h) Dihydrocodeine;
224 (i) Diphenoxylate;

- 225 (j) Fentanyl;
- 226 (k) Isomethadone;
- 227 (l) Levo-alphaacetylmethadol;
- 228 (m) Levomethorphan;
- 229 (n) Levorphanol;
- 230 (o) Metazocine;
- 231 (p) Methadone;
- 232 (q) Meperidine;
- 233 (r) Methadone-Intermediate, 4-cyano-2-dimethylamino-4,
234 4-diphenylbutane;
- 235 (s) Moramide-Intermediate, 2-methyl-3-morpholino-1,
236 1-diphenylpropane--carboxylic acid;
- 237 (t) Pethidine;
- 238 (u) Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine;
- 239 (v) Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate;
- 240 (w) Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic
241 acid;
- 242 (x) Phenazocine;
- 243 (y) Piminodine;
- 244 (z) Racemethorphan;
- 245 (aa) Racemorphan;
- 246 (bb) Sufentanil;
- 247 (3) Any material, compound, mixture, or preparation which contains any
248 quantity of the following substances having a stimulant effect on the central
249 nervous system:
- 250 (a) Amphetamine, its salts, optical isomers, and salts of its optical
251 isomers;
- 252 (b) Methamphetamine, its salts, isomers, and salts of its isomers;
- 253 (c) Phenmetrazine and its salts;
- 254 (d) Methylphenidate;
- 255 (4) Any material, compound, mixture, or preparation which contains any
256 quantity of the following substances having a depressant effect on the central
257 nervous system, including its salts, isomers, and salts of isomers whenever the
258 existence of those salts, isomers, and salts of isomers is possible within the
259 specific chemical designation:
- 260 (a) Amobarbital;

- 261 (b) Glutethimide;
- 262 (c) Pentobarbital;
- 263 (d) Phencyclidine;
- 264 (e) Secobarbital;
- 265 (5) Any material, compound or compound which contains any quantity of
- 266 nabilone;
- 267 (6) Any material, compound, mixture, or preparation which contains any
- 268 quantity of the following substances:
- 269 (a) Immediate precursor to amphetamine and methamphetamine:
- 270 Phenylacetone;
- 271 (b) Immediate precursors to phencyclidine (PCP):
- 272 a. 1-phenylcyclohexylamine;
- 273 b. 1-piperidinocyclohexanecarbonitrile (PCC).
- 274 5. The department of health and senior services shall place a substance
- 275 in Schedule III if it finds that:
- 276 (1) The substance has a potential for abuse less than the substances listed
- 277 in Schedules I and II;
- 278 (2) The substance has currently accepted medical use in treatment in the
- 279 United States; and
- 280 (3) Abuse of the substance may lead to moderate or low physical
- 281 dependence or high psychological dependence.
- 282 6. The controlled substances listed in this subsection are included in
- 283 Schedule III:
- 284 (1) Any material, compound, mixture, or preparation which contains any
- 285 quantity of the following substances having a potential for abuse associated with
- 286 a stimulant effect on the central nervous system:
- 287 (a) Benzphetamine;
- 288 (b) Chlorphentermine;
- 289 (c) Clortermine;
- 290 (d) Phendimetrazine;
- 291 (2) Any material, compound, mixture or preparation which contains any
- 292 quantity or salt of the following substances or salts having a depressant effect on
- 293 the central nervous system:
- 294 (a) Any material, compound, mixture or preparation which contains any
- 295 quantity or salt of the following substances combined with one or more active
- 296 medicinal ingredients:

- 297 a. Amobarbital;
- 298 b. Gamma hydroxybutyric acid and its salts, isomers, and salts of isomers
299 contained in a drug product for which an application has been approved under
300 Section 505 of the Federal Food, Drug, and Cosmetic Act;
- 301 c. Secobarbital;
- 302 d. Pentobarbital;
- 303 (b) Any suppository dosage form containing any quantity or salt of the
304 following:
- 305 a. Amobarbital;
- 306 b. Secobarbital;
- 307 c. Pentobarbital;
- 308 (c) Any substance which contains any quantity of a derivative of
309 barbituric acid or its salt;
- 310 (d) Chlorhexadol;
- 311 (e) Ketamine, its salts, isomers, and salts of isomers;
- 312 (f) Lysergic acid;
- 313 (g) Lysergic acid amide;
- 314 (h) Methyprylon;
- 315 (i) Sulfondiethylmethane;
- 316 (j) Sulfonethylmethane;
- 317 (k) Sulfonmethane;
- 318 (l) Tiletamine and zolazepam or any salt thereof;
- 319 (3) Nalorphine;
- 320 (4) Any material, compound, mixture, or preparation containing limited
321 quantities of any of the following narcotic drugs or their salts:
- 322 (a) Not more than 1.8 grams of codeine per one hundred milliliters or not
323 more than ninety milligrams per dosage unit, with an equal or greater quantity
324 of an isoquinoline alkaloid of opium;
- 325 (b) Not more than 1.8 grams of codeine per one hundred milliliters or not
326 more than ninety milligrams per dosage unit with one or more active, nonnarcotic
327 ingredients in recognized therapeutic amounts;
- 328 (c) Not more than three hundred milligrams of hydrocodone per one
329 hundred milliliters or not more than fifteen milligrams per dosage unit, with a
330 fourfold or greater quantity of an isoquinoline alkaloid of opium;
- 331 (d) Not more than three hundred milligrams of hydrocodone per one
332 hundred milliliters or not more than fifteen milligrams per dosage unit, with one

333 or more active nonnarcotic ingredients in recognized therapeutic amounts;

334 (e) Not more than 1.8 grams of dihydrocodeine per one hundred milliliters
335 or more than ninety milligrams per dosage unit, with one or more active
336 nonnarcotic ingredients in recognized therapeutic amounts;

337 (f) Not more than three hundred milligrams of ethylmorphine per one
338 hundred milliliters or not more than fifteen milligrams per dosage unit, with one
339 or more active, nonnarcotic ingredients in recognized therapeutic amounts;

340 (g) Not more than five hundred milligrams of opium per one hundred
341 milliliters or per one hundred grams or not more than twenty-five milligrams per
342 dosage unit, with one or more active nonnarcotic ingredients in recognized
343 therapeutic amounts;

344 (h) Not more than fifty milligrams of morphine per one hundred milliliters
345 or per one hundred grams, with one or more active, nonnarcotic ingredients in
346 recognized therapeutic amounts;

347 (5) Any material, compound, mixture, or preparation containing any of the
348 following narcotic drugs or their salts, as set forth in subdivision (6) of this
349 subsection; buprenorphine;

350 (6) Anabolic steroids. Any drug or hormonal substance, chemically and
351 pharmacologically related to testosterone (other than estrogens, progestins, and
352 corticosteroids) that promotes muscle growth, except an anabolic steroid which
353 is expressly intended for administration through implants to cattle or other
354 nonhuman species and which has been approved by the Secretary of Health and
355 Human Services for that administration. If any person prescribes, dispenses, or
356 distributes such steroid for human use, such person shall be considered to have
357 prescribed, dispensed, or distributed an anabolic steroid within the meaning of
358 this paragraph. Unless specifically excepted or unless listed in another schedule,
359 any material, compound, mixture or preparation containing any quantity of the
360 following substances, including its salts, isomers and salts of isomers whenever
361 the existence of such salts of isomers is possible within the specific chemical
362 designation:

363 (a) Boldenone;

364 (b) Chlorotestosterone (4-Chlortestosterone);

365 (c) Clostebol;

366 (d) Dehydrochlormethyltestosterone;

367 (e) Dihydrotestosterone (4-Dihydro-testosterone);

368 (f) Drostanolone;

- 369 (g) Ethylestrenol;
370 (h) Fluoxymesterone;
371 (i) Formebolone (Formebolone);
372 (j) Mesterolone;
373 (k) Methandienone;
374 (l) Methandranone;
375 (m) Methandriol;
376 (n) Methandrostenolone;
377 (o) Methenolone;
378 (p) Methyltestosterone;
379 (q) Mibolerone;
380 (r) Nandrolone;
381 (s) Norethandrolone;
382 (t) Oxandrolone;
383 (u) Oxymesterone;
384 (v) Oxymetholone;
385 (w) Stanolone;
386 (x) Stanozolol;
387 (y) Testolactone;
388 (z) Testosterone;
389 (aa) Trenbolone;
390 (bb) Any salt, ester, or isomer of a drug or substance described or listed
391 in this subdivision, if that salt, ester or isomer promotes muscle growth except
392 an anabolic steroid which is expressly intended for administration through
393 implants to cattle or other nonhuman species and which has been approved by
394 the Secretary of Health and Human Services for that administration;
- 395 (7) Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin
396 capsule in a United States Food and Drug Administration approved drug
397 product. Some other names for dronabinol: (6aR-trans)-6a,7,8,10a-
398 tetrahydro-6.6.9-trimethyl-3-pentyl-6H-dibenzo (b,d) pyran-1-ol, or (-)-
399 delta-9-(trans)-tetrahydracannabinol);
- 400 (8) The department of health and senior services may except by rule any
401 compound, mixture, or preparation containing any stimulant or depressant
402 substance listed in subdivisions (1) and (2) of this subsection from the application
403 of all or any part of sections 195.010 to 195.320 if the compound, mixture, or
404 preparation contains one or more active medicinal ingredients not having a

405 stimulant or depressant effect on the central nervous system, and if the
406 admixtures are included therein in combinations, quantity, proportion, or
407 concentration that vitiate the potential for abuse of the substances which have
408 a stimulant or depressant effect on the central nervous system.

409 7. The department of health and senior services shall place a substance
410 in Schedule IV if it finds that:

411 (1) The substance has a low potential for abuse relative to substances in
412 Schedule III;

413 (2) The substance has currently accepted medical use in treatment in the
414 United States; and

415 (3) Abuse of the substance may lead to limited physical dependence or
416 psychological dependence relative to the substances in Schedule III.

417 8. The controlled substances listed in this subsection are included in
418 Schedule IV:

419 (1) Any material, compound, mixture, or preparation containing any of the
420 following narcotic drugs or their salts calculated as the free anhydrous base or
421 alkaloid, in limited quantities as set forth below:

422 (a) Not more than one milligram of difenoxin and not less than twenty-five
423 micrograms of atropine sulfate per dosage unit;

424 (b) Dextropropoxyphene (alpha-(+)-4-dimethylamino-1,
425 2-diphenyl-3-methyl-2-propionoxybutane);

426 (c) Any of the following limited quantities of narcotic drugs or their salts,
427 which shall include one or more nonnarcotic active medicinal ingredients in
428 sufficient proportion to confer upon the compound, mixture or preparation
429 valuable medicinal qualities other than those possessed by the narcotic drug
430 alone:

431 a. Not more than two hundred milligrams of codeine per one hundred
432 milliliters or per one hundred grams;

433 b. Not more than one hundred milligrams of dihydrocodeine per one
434 hundred milliliters or per one hundred grams;

435 c. Not more than one hundred milligrams of ethylmorphine per one
436 hundred milliliters or per one hundred grams;

437 (2) Any material, compound, mixture or preparation containing any
438 quantity of the following substances, including their salts, isomers, and salts of
439 isomers whenever the existence of those salts, isomers, and salts of isomers is
440 possible within the specific chemical designation:

- 441 (a) Alprazolam;
- 442 (b) Barbitol;
- 443 (c) Bromazepam;
- 444 (d) Camazepam;
- 445 (e) Chloral betaine;
- 446 (f) Chloral hydrate;
- 447 (g) Chlordiazepoxide;
- 448 (h) Clobazam;
- 449 (i) Clonazepam;
- 450 (j) Clorazepate;
- 451 (k) Clotiazepam;
- 452 (l) Cloxazolam;
- 453 (m) Delorazepam;
- 454 (n) Diazepam;
- 455 (o) Dichloralphenazone;
- 456 (p) Estazolam;
- 457 (q) Ethchlorvynol;
- 458 (r) Ethinamate;
- 459 (s) Ethyl loflazepate;
- 460 (t) Fludiazepam;
- 461 (u) Flunitrazepam;
- 462 (v) Flurazepam;
- 463 (w) Halazepam;
- 464 (x) Haloxazolam;
- 465 (y) Ketazolam;
- 466 (z) Loprazolam;
- 467 (aa) Lorazepam;
- 468 (bb) Lormetazepam;
- 469 (cc) Mebutamate;
- 470 (dd) Medazepam;
- 471 (ee) Meprobamate;
- 472 (ff) Methohexital;
- 473 (gg) Methylphenobarbital;
- 474 (hh) Midazolam;
- 475 (ii) Nimetazepam;
- 476 (jj) Nitrazepam;

477 (kk) Nordiazepam;

478 (ll) Oxazepam;

479 (mm) Oxazolam;

480 (nn) Paraldehyde;

481 (oo) Petrichloral;

482 (pp) Phenobarbital;

483 (qq) Pinazepam;

484 (rr) Prazepam;

485 (ss) Quazepam;

486 (tt) Temazepam;

487 (uu) Tetrazepam;

488 (vv) Triazolam;

489 (ww) Zaleplon;

490 (xx) Zolpidem;

491 (3) Any material, compound, mixture, or preparation which contains any
492 quantity of the following substance including its salts, isomers and salts of
493 isomers whenever the existence of such salts, isomers and salts of isomers is
494 possible: fenfluramine;

495 (4) Any material, compound, mixture or preparation containing any
496 quantity of the following substances having a stimulant effect on the central
497 nervous system, including their salts, isomers and salts of isomers:

498 (a) Cathine ((+)-norpseudoephedrine);

499 (b) Diethylpropion;

500 (c) Fencamfamin;

501 (d) Fenproporex;

502 (e) Mazindol;

503 (f) Mefenorex;

504 (g) Modafinil;

505 (h) Pemoline, including organometallic complexes and chelates thereof;

506 (i) Phentermine;

507 (j) Pipradrol;

508 (k) Sibutramine;

509 (l) SPA ((-)-1-dimethylamino-1,2-diphenylethane);

510 (5) Any material, compound, mixture or preparation containing any
511 quantity of the following substance, including its salts:

512 (a) butorphanol;

513 (b) pentazocine;

514 (6) Ephedrine, its salts, optical isomers and salts of optical isomers, when
515 the substance is the only active medicinal ingredient;

516 (7) The department of health and senior services may except by rule any
517 compound, mixture, or preparation containing any depressant substance listed in
518 subdivision (1) of this subsection from the application of all or any part of sections
519 195.010 to 195.320 if the compound, mixture, or preparation contains one or more
520 active medicinal ingredients not having a depressant effect on the central nervous
521 system, and if the admixtures are included therein in combinations, quantity,
522 proportion, or concentration that vitiate the potential for abuse of the substances
523 which have a depressant effect on the central nervous system.

524 9. The department of health and senior services shall place a substance
525 in Schedule V if it finds that:

526 (1) The substance has low potential for abuse relative to the controlled
527 substances listed in Schedule IV;

528 (2) The substance has currently accepted medical use in treatment in the
529 United States; and

530 (3) The substance has limited physical dependence or psychological
531 dependence liability relative to the controlled substances listed in Schedule IV.

532 10. The controlled substances listed in this subsection are included in
533 Schedule V:

534 (1) Any compound, mixture or preparation containing any of the following
535 narcotic drugs or their salts calculated as the free anhydrous base or alkaloid, in
536 limited quantities as set forth below, which also contains one or more nonnarcotic
537 active medicinal ingredients in sufficient proportion to confer upon the compound,
538 mixture or preparation valuable medicinal qualities other than those possessed
539 by the narcotic drug alone:

540 (a) Not more than two and five-tenths milligrams of diphenoxylate and not
541 less than twenty-five micrograms of atropine sulfate per dosage unit;

542 (b) Not more than one hundred milligrams of opium per one hundred
543 milliliters or per one hundred grams;

544 (c) Not more than five-tenths milligram of difenoxin and not less than
545 twenty-five micrograms of atropine sulfate per dosage unit;

546 (2) Any material, compound, mixture or preparation which contains any
547 quantity of the following substance having a stimulant effect on the central
548 nervous system including its salts, isomers and salts of isomers: pyrovalerone;

549 (3) Any compound, mixture, or preparation containing any detectable
550 quantity of pseudoephedrine or its salts or optical isomers, or salts of optical
551 isomers or any compound, mixture, or preparation containing any detectable
552 quantity of ephedrine or its salts or optical isomers, or salts of optical isomers.

553 11. If any compound, mixture, or preparation as specified in subdivision
554 (3) of subsection 10 of this section is dispensed, sold, or distributed in a pharmacy
555 without a prescription:

556 (1) All packages of any compound, mixture, or preparation containing any
557 detectable quantity of pseudoephedrine, its salts or optical isomers, or salts of
558 optical isomers or ephedrine, its salts or optical isomers, or salts of optical
559 isomers, shall be offered for sale only from behind a pharmacy counter where the
560 public is not permitted, and only by a registered pharmacist or registered
561 pharmacy technician; and

562 (2) Any person purchasing, receiving or otherwise acquiring any
563 compound, mixture, or preparation containing any detectable quantity of
564 pseudoephedrine, its salts or optical isomers, or salts of optical isomers or
565 ephedrine, its salts or optical isomers, or salts of optical isomers shall be at least
566 eighteen years of age; and

567 (3) The pharmacist or registered pharmacy technician shall require any
568 person purchasing, receiving or otherwise acquiring such compound, mixture, or
569 preparation, who is not known to the pharmacist or registered pharmacy
570 technician, to furnish suitable photo identification showing the date of birth of
571 the person.

572 12. Within ninety days of the enactment of this section, pharmacists and
573 registered pharmacy technicians shall implement and maintain a written or
574 electronic log of each transaction. Such log shall include the following
575 information:

576 (1) The name and address of the purchaser;

577 (2) The amount of the compound, mixture, or preparation purchased;

578 (3) The date of each purchase; and

579 (4) The name or initials of the pharmacist or registered pharmacy
580 technician who dispensed the compound, mixture, or preparation to the
581 purchaser.

582 13. No person shall dispense, sell, purchase, receive, or otherwise acquire
583 quantities greater than those specified in this chapter.

584 14. Within thirty days of the enactment of this section, all persons who

585 dispense or offer for sale pseudoephedrine and ephedrine products in a pharmacy
586 shall ensure that all such products are located only behind a pharmacy counter
587 where the public is not permitted.

588 15. Within thirty days of the enactment of this section, any business
589 entity which sells ephedrine or pseudoephedrine products in the course of
590 legitimate business which is in the possession of pseudoephedrine and ephedrine
591 products, and which does not have a state and federal controlled substances
592 registration, shall return these products to a manufacturer or distributor or
593 transfer them to an authorized controlled substances registrant.

594 16. Any person who knowingly or recklessly violates the provisions of
595 subsections 11 to 15 of this section is guilty of a class A misdemeanor.

596 17. The scheduling of substances specified in subdivision (3) of subsection
597 10 of this section and subsections 11, 12, 14, and 15 of this section shall not apply
598 to any compounds, mixtures, or preparations that are in liquid or liquid-filled gel
599 capsule form **or to any compound, mixture, or preparation specified in**
600 **subdivision (3) of subsection 10 of this section which must be**
601 **dispensed, sold, or distributed in a pharmacy pursuant to a**
602 **prescription.**

603 18. The manufacturer of a drug product or another interested party may
604 apply with the department of health and senior services for an exemption from
605 this section. The department of health and senior services may grant an
606 exemption by rule from this section if the department finds the drug product is
607 not used in the illegal manufacture of methamphetamine or other controlled or
608 dangerous substances. The department of health and senior services shall rely
609 on reports from law enforcement and law enforcement evidentiary laboratories in
610 determining if the proposed product can be used to manufacture illicit controlled
611 substances.

612 19. The department of health and senior services shall revise and
613 republish the schedules annually.

614 20. The department of health and senior services shall promulgate rules
615 under chapter 536, RSMo, regarding the security and storage of Schedule V
616 controlled substances, as described in subdivision (3) of subsection 10 of this
617 section, for distributors as registered by the department of health and senior
618 services.

 324.245. 1. The board is authorized to promulgate rules and regulations
2 regarding:

3 (1) The content of license applications and the procedures for filing an
4 application for an initial or renewal license in this state;

5 (2) The content, conduct and administration of the licensing examination
6 required by section 324.265;

7 (3) Educational requirements for licensure, including, but not limited to,
8 provisions that allow clock hours of supervised instruction at a
9 vocational-technical school;

10 (4) The standards and methods to be used in assessing competency as a
11 massage therapist;

12 (5) All applicable fees, set at an amount which shall not substantially
13 exceed the cost and expense of administering sections 324.240 to 324.275; [and]

14 (6) Establishment of procedures for granting reciprocity with other states,
15 including states which do not have massage therapy licensing laws or states
16 whose licensing laws are not substantially the same as those of this state; **and**

17 **(7) Establishment of requirements for granting a license, as**
18 **defined by rule, to a person who has completed an approved massage**
19 **therapy program in another state that is less than five hundred hours.**

20 2. All funds received by the board pursuant to the provisions of sections
21 324.240 to 324.275 shall be collected by the director who shall transmit the funds
22 to the department of revenue for deposit in the state treasury to the credit of the
23 "Massage Therapy Fund" which is hereby created. Notwithstanding the
24 provisions of section 33.080, RSMo, to the contrary, money in this fund shall not
25 be transferred and placed to the credit of general revenue until the amount in the
26 fund at the end of the biennium exceeds three times the amount of the
27 appropriation from the fund for the preceding fiscal year.

28 3. Any rule or portion of a rule, as that term is defined in section 536.010,
29 RSMo, that is promulgated to administer and enforce sections 324.240 to 324.275,
30 shall become effective only if the agency has fully complied with all of the
31 requirements of chapter 536, RSMo, including but not limited to, section 536.028,
32 RSMo, if applicable, after August 28, 1998. If the provisions of section 536.028,
33 RSMo, apply, the provisions of this section are nonseverable and if any of the
34 powers vested with the general assembly pursuant to section 536.028, RSMo, to
35 review, to delay the effective date, or to disapprove and annul a rule or portion
36 of a rule are held unconstitutional or invalid, the purported grant of rulemaking
37 authority and any rule so proposed and contained in the order of rulemaking
38 shall be invalid and void, except that nothing in this section shall affect the

39 validity of any rule adopted and promulgated prior to August 28, 1998.

324.247. A person desiring to receive a license to operate a massage
2 business in the state of Missouri shall file a written application with the board
3 on a form prescribed by the division and pay the appropriate required fee. **It**
4 **shall be unlawful for a business to employ or contract with any person**
5 **in this state to provide massage therapy as defined in subdivision (7)**
6 **of section 324.240 unless such person has obtained a license as provided**
7 **by this chapter. Failure to comply with the provisions of this section**
8 **shall be cause to discipline the licensee.**

324.257. After completion of each board survey inspection, a written
2 report of the findings with respect to the massage business' compliance or
3 noncompliance with the provisions of sections 324.240 to 324.275 and the
4 standards established hereunder as well as a list of deficiencies found shall be
5 prepared. A copy of the report and the list of deficiencies found shall be sent to
6 the massage business within [fifteen] **thirty** business days following the survey
7 inspection. The list of deficiencies shall specifically state the statute or rule
8 which the massage business is alleged to have violated. If the massage business
9 acknowledges the deficiencies found by the survey inspection, the massage
10 business shall inform the board of the time necessary for compliance and shall
11 file a plan of correction with the board. If the massage business does not
12 acknowledge the deficiencies, or file an acceptable plan of correction with the
13 board or timely complete an acceptable plan of correction, the board may file a
14 complaint with the administrative hearing commission as set forth and as
15 provided in sections 324.240 to 324.275.

324.262. 1. The board may refuse to issue, renew or reinstate any license
2 required by sections 324.240 to 324.275 for one or any combination of causes
3 stated in subsection 2 of this section. The board shall notify the applicant in
4 writing of the reasons for the refusal and shall advise the applicant of his or her
5 right to file a complaint with the administrative hearing commission as provided
6 by chapter 621, RSMo.

7 2. The board may cause a complaint to be filed with the administrative
8 hearing commission as provided by chapter 621, RSMo, against any holder of any
9 license issued pursuant to sections 324.240 to 324.275 or any person who has
10 failed to renew or has surrendered his or her license for any one or any
11 combination of the following causes:

12 (1) The person has been finally adjudicated and found guilty, or entered

13 a plea of guilty or nolo contendere, in a criminal prosecution pursuant to the laws
14 of any state or of the United States, for any offense reasonably related to the
15 qualifications, functions or duties of the profession regulated pursuant to sections
16 324.240 to 324.275, for any offense an essential element of which is fraud,
17 dishonesty or an act of violence, or for any offense involving moral turpitude,
18 whether or not sentence is imposed;

19 (2) Use of fraud, deception, misrepresentation or bribery in securing any
20 license issued pursuant to sections 324.240 to 324.275 or in obtaining permission
21 to take any examination given or required pursuant to sections 324.240 to
22 324.275;

23 (3) Obtaining or attempting to obtain any fee, charge, tuition or other
24 compensation by fraud, deception or misrepresentation;

25 (4) Incompetency, misconduct, gross negligence, fraud, misrepresentation
26 or dishonesty in the performance of the functions or duties of the profession
27 regulated by sections 324.240 to 324.275;

28 (5) Violation of, or assisting or enabling any person to violate, any
29 provision of sections 324.240 to 324.275, or of any lawful rule or regulation
30 adopted pursuant to sections 324.240 to 324.275, **including providing**
31 **massage therapy under subdivision (7) of section 324.240 at a massage**
32 **business as defined in subdivision (5) of section 324.240 that is not**
33 **licensed under this chapter;**

34 (6) Impersonation of any person holding a license or allowing any other
35 person to use his or her certificate or diploma from any school;

36 (7) Disciplinary action against the holder of a license or other right to
37 practice the profession regulated by sections 324.240 to 324.275 granted by
38 another state, territory, federal agency or country upon grounds for which
39 revocation or suspension is authorized in this state;

40 (8) A person is finally adjudged insane or incompetent by a court of
41 competent jurisdiction;

42 (9) Issuance of a license based upon a material mistake of fact;

43 (10) Use of any advertisement or solicitation which is false, misleading or
44 deceptive to the general public or persons to whom the advertisement or
45 solicitation is primarily directed.

46 3. Any person, organization, association or corporation who reports or
47 provides information to the division pursuant to the provisions of sections 324.240
48 to 324.275 and who does so in good faith and without negligence shall not be

49 subject to an action for civil damages as a result thereof.

50 4. After the filing of a complaint pursuant to subsection 2 of this section,
51 the proceedings shall be conducted in accordance with the provisions of chapter
52 621, RSMo. Upon a finding by the administrative hearing commission that one
53 or more of the grounds for disciplinary action provided in subsection 2 of this
54 section are met, the board may, singly or in combination, censure or place the
55 person named in the complaint on probation or suspension or revoke the license
56 of the person on such terms and conditions as the division deems appropriate.

324.265. 1. A person desiring a license to practice massage therapy shall
2 be at least eighteen years of age, shall pay the appropriate required application
3 fee, and shall submit satisfactory evidence to the board of meeting at least one
4 of the following requirements:

5 (1) Has passed a statistically valid examination on therapeutic massage
6 and body work which is approved by the board, prior to August 28, 1999, and
7 applies for such license by December 31, 2000; or

8 (2) Completing massage therapy studies consisting of at least five
9 hundred hours of supervised instruction and subsequently passing an
10 examination approved by the board. The examination may consist of school
11 examinations. The course of instruction shall be approved by the board. The five
12 hundred hours shall consist of three hundred hours dedicated to massage theory
13 and practice techniques, one hundred hours dedicated to the study of anatomy
14 and physiology, fifty hours dedicated to business practice, professional ethics,
15 hygiene and massage law in the state of Missouri, and fifty hours dedicated to
16 ancillary therapies, including cardiopulmonary resuscitation (CPR) and first aid;
17 or

18 (3) Has completed five hundred hours in an apprenticeship with a
19 certified mentor and has successfully passed an examination approved by the
20 board; or

21 (4) Has been licensed or registered as a massage therapist in another
22 state, territory or commonwealth or the District of Columbia, which maintains
23 standards of practice and licensure which substantially conform to the
24 requirements in force in this state;

25 (5) Has been engaged in the practice of massage therapy for at least ten
26 years prior to August 28, 1999, and applies for such license by December 31,
27 2000; or

28 (6) Has been in the practice of massage therapy for at least three years

29 prior to August 28, 1999, has completed at least one hundred hours of formal
30 training in massage approved by the board and applies for such license by
31 December 31, 2000.

32 2. A person who has practiced less than three years or has less than one
33 hundred hours of training may request a waiver of the requirements of subsection
34 1 of this section and apply for a temporary two-year license which shall not be
35 renewable. By the end of such two-year period, such person shall complete at
36 least one hundred additional hours of formal training, including at least
37 twenty-five hours in anatomy and physiology, in a school approved by the
38 board. Such person shall have until December 31, 2000, to apply for a temporary
39 license pursuant to this subsection.

40 3. Each license issued pursuant to the provisions of this section shall [be
41 valid for two years and shall] expire on its renewal date. The board shall renew
42 any license upon:

43 (1) Application for renewal;

44 (2) Proof, **as provided by rule**, that the therapist has completed twelve
45 hours of continuing education; and

46 (3) Payment of the appropriate renewal fee.

47 **Failure to obtain the required continuing education hours, submit**
48 **satisfactory evidence, or maintain required documentation is a**
49 **violation of this subsection. As provided by rule, the board may waive**
50 **or extend the time requirements for completion of continuing education**
51 **for reasons related to health, military service, foreign residency, or**
52 **other good cause. All requests for waivers or extensions of time shall**
53 **be made in writing and submitted to the board before the renewal date.**

54 4. An applicant who possesses the qualifications specified in subsection
55 2 of this section to take the examination approved by the board may be granted
56 a provisional license to engage in the practice of massage therapy until the date
57 of the next examination, and thereafter until the results of the examination are
58 known.

59 5. As determined by the board, students making substantial progress
60 toward completion of their training in an approved curriculum shall be granted
61 a student license for the purpose of practicing massage therapy on the public
62 while under the supervision of a massage therapy instructor.

63 6. A provisional license may, at the discretion of the board, be renewed
64 once, and a student license may be renewed until the student completes such

65 student's training.

66 7. The following practitioners are exempt from the provisions of this
67 section upon filing written proof with the board that they meet one or more of the
68 following:

69 (1) Persons who act under a Missouri state license, registration, or
70 certification and perform soft tissue manipulation within their scope of practice;

71 (2) Persons who restrict their manipulation of the soft tissues of the
72 human body to the hands, feet or ears;

73 (3) Persons who use touch and words to deepen awareness of existing
74 patterns of movement in the human body as well as to suggest new possibilities
75 of movement;

76 (4) Persons who manipulate the human body above the neck, below the
77 elbow, and below the knee and do not disrobe the client in performing such
78 manipulation.

79 **8. Any nonresident person licensed, registered, or certified by**
80 **another state or territory of the United States, the District of Columbia,**
81 **or foreign territory or recognized certification system determined as**
82 **acceptable by the board shall be exempt from licensure as defined in**
83 **this chapter, if such persons are incidentally called into the state to**
84 **teach a course related to massage or bodywork therapy or to provide**
85 **massage therapy services as part of an emergency response team**
86 **working in conjunction with disaster relief officials.**

87 **9. Any nonresident person holding a current license, registration,**
88 **or certification in massage therapy from another state or recognized**
89 **national certification system determined as acceptable by the board**
90 **shall be exempt from licensure as defined in this chapter when**
91 **temporarily present in this state for the purpose of providing massage**
92 **therapy services at special events such as conventions, sporting events,**
93 **educational field trips, conferences, and traveling shows or exhibitions.**

324.270. A person who does not hold a license to practice massage therapy
2 or a license to operate a massage business or is not exempted from obtaining a
3 license pursuant to subsection 7 of section 324.265 shall not use the words
4 "massage", "body work", or any of their synonyms on any sign or in any other
5 form of advertising, unless specifically exempted by the board. [Any
6 advertisement by a massage therapist or a massage business shall contain the
7 license or registration number of such therapist or business.] **The division or**

8 **board may, in its discretion, contract with legal counsel for legal**
9 **services, not directly related to pending litigation, which it deems**
10 **necessary for the administration or enforcement of the provisions of**
11 **this chapter.**

332.052. 1. **Dentists shall maintain an adequate and complete**
2 **patient record for each patient and may maintain electronic records**
3 **provided the record-keeping format is capable of being printed for**
4 **review by the board.**

5 2. **Patient records remaining under the care, custody and control**
6 **of the licensees shall be maintained by the licensee, or the licensee's**
7 **designee, for a minimum of seven years from the date of when the last**
8 **professional service was provided or in the case of a minor, seven years**
9 **from the age of majority.**

10 3. **Any correction, addition, or change in any patient record**
11 **made more than forty-eight hours after the final entry is entered in the**
12 **record as an addendum, shall be clearly marked and identified as such,**
13 **and the date, time, and name of the person making the correction,**
14 **addition, or change shall be included, as well as the reason for the**
15 **correction, addition, or change.**

16 4. **Dentists and nondentists shall maintain copies of laboratory**
17 **work orders for seven years.**

332.071. A person or other entity "practices dentistry" within the meaning
2 of this chapter who:

3 (1) **Undertakes to do or perform dental work or dental services or dental**
4 **operations or oral surgery, by any means or methods, including the use of lasers,**
5 **gratuitously or for a salary or fee or other reward, paid directly or indirectly to**
6 **the person or to any other person or entity;**

7 (2) **Diagnoses or professes to diagnose, prescribes for or professes to**
8 **prescribe for, treats or professes to treat, any disease, pain, deformity, deficiency,**
9 **injury or physical condition of human teeth or adjacent structures or treats or**
10 **professes to treat any disease or disorder or lesions of the oral regions;**

11 (3) **Attempts to or does replace or restore a part or portion of a human**
12 **tooth;**

13 (4) **Attempts to or does extract human teeth or attempts to or does correct**
14 **malformations of human teeth or jaws;**

15 (5) **Attempts to or does adjust an appliance or appliances for use in or**

16 used in connection with malposed teeth in the human mouth;

17 (6) Interprets or professes to interpret or read dental radiographs;

18 (7) Administers an anesthetic in connection with dental services or dental
19 operations or dental surgery;

20 (8) Undertakes to or does remove hard and soft deposits from or polishes
21 natural and restored surfaces of teeth;

22 (9) Uses or permits to be used for the person's benefit or for the benefit
23 of any other person or other entity the following titles or words in connection with
24 the person's name: "Doctor", "Dentist", "Dr.", "D.D.S.", or "D.M.D.", or any other
25 letters, titles, degrees or descriptive matter which directly or indirectly indicate
26 or imply that the person is willing or able to perform any type of dental service
27 for any person or persons, or uses or permits the use of for the person's benefit
28 or for the benefit of any other person or other entity any card, directory, poster,
29 sign or any other means by which the person indicates or implies or represents
30 that the person is willing or able to perform any type of dental services or
31 operation for any person;

32 (10) Directly or indirectly owns, leases, operates, maintains, manages or
33 conducts an office or establishment of any kind in which dental services or dental
34 operations of any kind are performed for any purpose; but this section shall not
35 be construed to prevent owners or lessees of real estate from lawfully leasing
36 premises to those who are qualified to practice dentistry within the meaning of
37 this chapter;

38 (11) Controls, influences, attempts to control or influence, or otherwise
39 interferes with the dentist's independent professional judgment regarding the
40 diagnosis or treatment of a dental disease, disorder, or physical condition except
41 that any opinion rendered by any health care professional licensed under this
42 chapter or chapter 330, 331, 334, 335, 336, 337, or 338, RSMo, regarding the
43 diagnosis, treatment, disorder, or physical condition of any patient shall not be
44 construed to control, influence, attempt to control or influence or otherwise
45 interfere with a dentist's independent professional judgment;

46 (12) Constructs, supplies, reproduces or repairs any prosthetic denture,
47 bridge, artificial restoration, appliance or other structure to be used or worn as
48 a substitute for natural teeth, except when one, not a registered and licensed
49 dentist, does so pursuant to a written uniform laboratory work order, in the form
50 [to be] prescribed by the board [and copies of which shall be retained by the
51 nondentist for two years], of a dentist registered and currently licensed in

52 Missouri and which the substitute in this subdivision described is constructed
53 upon or by use of casts or models made from an impression furnished by a dentist
54 registered and currently licensed in Missouri;

55 (13) Attempts to or does place any substitute described in subdivision (12)
56 of this section in a human mouth or attempts to or professes to adjust any
57 substitute or delivers any substitute to any person other than the dentist upon
58 whose order the work in producing the substitute was performed;

59 (14) Advertises, solicits, or offers to or does sell or deliver any substitute
60 described in subdivision (12) of this section or offers to or does sell the person's
61 services in constructing, reproducing, supplying or repairing the substitute to any
62 person other than a registered and licensed dentist in Missouri;

63 (15) Undertakes to do or perform any physical evaluation of a patient in
64 the person's office or in a hospital, clinic, or other medical or dental facility prior
65 to or incident to the performance of any dental services, dental operations, or
66 dental surgery;

67 (16) Reviews examination findings, x-rays, or other patient data to make
68 judgments or decisions about the dental care rendered to a patient in this state.

334.103. 1. [The license of a physician] **A license issued under this**
2 **chapter by the Missouri State Board of Registration for the Healing**
3 **Arts** shall be automatically revoked at such time as the final trial proceedings
4 are concluded whereby a [physician] **licensee** has been adjudicated and found
5 guilty, or has entered a plea of guilty or nolo contendere, in a felony criminal
6 prosecution under the laws of the state of Missouri, the laws of any other state,
7 or the laws of the United States of America for any offense reasonably related to
8 the qualifications, functions or duties of [a physician] **their profession**, or for
9 any felony offense, an essential element of which is fraud, dishonesty or an act
10 of violence, or for any felony offense involving moral turpitude, whether or not
11 sentence is imposed, or, upon the final and unconditional revocation of the license
12 [of a physician] to practice [the healing arts] **their profession** in another state
13 or territory upon grounds for which revocation is authorized in this state
14 following a review of the record of the proceedings and upon a formal motion of
15 the state board of registration for the healing arts. The license of any such
16 [physician] **licensee** shall be automatically reinstated if the conviction or the
17 revocation is ultimately set aside upon final appeal in any court of competent
18 jurisdiction.

19 2. Anyone who has been denied a license, permit or certificate to practice

20 in another state shall automatically be denied a license to practice in this
21 state. However, the board of healing arts may set up other qualifications by
22 which such person may ultimately be qualified and licensed to practice in
23 Missouri.

334.104. 1. A physician may enter into collaborative practice
2 arrangements with registered professional nurses. Collaborative practice
3 arrangements shall be in the form of written agreements, jointly agreed-upon
4 protocols, or standing orders for the delivery of health care
5 services. Collaborative practice arrangements, which shall be in writing, may
6 delegate to a registered professional nurse the authority to administer or dispense
7 drugs and provide treatment as long as the delivery of such health care services
8 is within the scope of practice of the registered professional nurse and is
9 consistent with that nurse's skill, training and competence.

10 2. Collaborative practice arrangements, which shall be in writing, may
11 delegate to a registered professional nurse the authority to administer, dispense
12 or prescribe drugs and provide treatment if the registered professional nurse is
13 an advanced practice nurse as defined in subdivision (2) of section 335.016,
14 RSMo. Such collaborative practice arrangements shall be in the form of written
15 agreements, jointly agreed-upon protocols or standing orders for the delivery of
16 health care services.

17 3. The state board of registration for the healing arts pursuant to section
18 334.125 and the board of nursing pursuant to section 335.036, RSMo, may jointly
19 promulgate rules regulating the use of collaborative practice arrangements. Such
20 rules shall be limited to specifying geographic areas to be covered, the methods
21 of treatment that may be covered by collaborative practice arrangements and the
22 requirements for review of services provided pursuant to collaborative practice
23 arrangements. Any rules relating to dispensing or distribution of medications or
24 devices by prescription or prescription drug orders under this section shall be
25 subject to the approval of the state board of pharmacy. In order to take effect,
26 such rules shall be approved by a majority vote of a quorum of each
27 board. Neither the state board of registration for the healing arts nor the board
28 of nursing may separately promulgate rules relating to collaborative practice
29 arrangements. Such jointly promulgated rules shall be consistent with guidelines
30 for federally funded clinics. The rulemaking authority granted in this subsection
31 shall not extend to collaborative practice arrangements of hospital employees
32 providing inpatient care within hospitals as defined pursuant to chapter 197,

33 RSMo.

34 4. The state board of registration for the healing arts shall not deny,
35 revoke, suspend or otherwise take disciplinary action against a physician for
36 health care services delegated to a registered professional nurse provided the
37 provisions of this section and the rules promulgated thereunder are
38 satisfied. Upon the written request of a physician subject to a disciplinary action
39 imposed as a result of an agreement between a physician and a registered
40 professional nurse or registered physician assistant, whether written or not, prior
41 to August 28, 1993, all records of such disciplinary licensure action and all
42 records pertaining to the filing, investigation or review of an alleged violation of
43 this chapter incurred as a result of such an agreement shall be removed from the
44 records of the state board of registration for the healing arts and the division of
45 professional registration and shall not be disclosed to any public or private entity
46 seeking such information from the board or the division. The state board of
47 registration for the healing arts shall take action to correct reports of alleged
48 violations and disciplinary actions as described in this section which have been
49 submitted to the National Practitioner Data Bank. In subsequent applications
50 or representations relating to his medical practice, a physician completing forms
51 or documents shall not be required to report any actions of the state board of
52 registration for the healing arts for which the records are subject to removal
53 under this section.

54 **5. Within thirty days of any change and on each renewal, the**
55 **state board of registration for the healing arts shall require every**
56 **physician to identify whether the physician is engaged in any**
57 **collaborative practice agreement or physician assistant agreement and**
58 **also report to the board the name of each licensed professional with**
59 **whom the physician has entered into such agreement. The board may**
60 **make this information available to the public. The board shall track**
61 **the reported information and may routinely conduct random reviews**
62 **of such agreements to ensure that agreements are carried out for**
63 **compliance under this chapter.**

64 6. Notwithstanding anything to the contrary in this section, a registered
65 nurse who has graduated from a school of nurse anesthesia accredited by the
66 Council on Accreditation of Educational Programs of Nurse Anesthesia or its
67 predecessor and has been certified or is eligible for certification as a nurse
68 anesthetist by the Council on Certification of Nurse Anesthetists shall be

69 permitted to provide anesthesia services without a collaborative practice
70 arrangement provided that he or she is under the supervision of an
71 anesthesiologist or other physician, dentist, or podiatrist who is immediately
72 available if needed.

334.706. 1. The board shall license applicants who meet the qualifications
2 for athletic trainers, who file for licensure, and who pay all fees required for this
3 licensure.

4 2. The board shall:

5 (1) Prescribe application forms to be furnished to all persons seeking
6 licensure pursuant to sections 334.700 to 334.725;

7 (2) [Prepare and conduct examinations for applicants for licensure
8 pursuant to sections 334.700 to 334.725;

9 (3)] Prescribe the form and design of the licensure to be issued pursuant
10 to sections 334.700 to 334.725;

11 [(4)] (3) Set the fee for examination, licensure, and renewal thereof;

12 [(5)] (4) Keep a record of all of its proceedings regarding the Missouri
13 athletic trainers act and of all athletic trainers licensed in this state;

14 [(6)] (5) Annually prepare a roster of the names and addresses of all
15 athletic trainers licensed in this state, copies of which shall be made available
16 upon request to any person paying the fee therefor;

17 [(7)] (6) Set the fee for the roster at an amount sufficient to cover the
18 actual cost of publishing and distributing the roster;

19 [(8)] (7) Appoint members of the Missouri athletic trainer advisory
20 committee;

21 [(9)] (8) Adopt an official seal.

22 3. The board may:

23 (1) Issue subpoenas to compel witnesses to testify or produce evidence in
24 proceedings to deny, suspend, or revoke a license or licensure;

25 (2) Promulgate rules pursuant to chapter 536, RSMo, in order to carry out
26 the provisions of sections 334.700 to 334.725;

27 (3) Establish guidelines for athletic trainers in sections 334.700 to
28 334.725.

29 4. No rule or portion of a rule promulgated under the authority of sections
30 334.700 to 334.725 shall become effective unless it has been promulgated
31 pursuant to the provisions of section 536.024, RSMo.

334.708. 1. Any person seeking licensure pursuant to sections 334.700 to

2 334.725 **after August 28, 2006**, must be a resident or in the process of
3 establishing residency in this state and must [meet at least one set of the
4 following qualifications:

5 (1) Has met all of the National Athletic Trainers Association certification
6 qualifications;

7 (2) Holds a degree in physical therapy with at least a minor in physical
8 education or health which included a basic athletic training course and has spent
9 at least two academic years, military duty included, working under the direct
10 supervision of a certified athletic trainer;

11 (3) Can show proof acceptable to the board of experience and educational
12 quality equal to that in subdivision (1), and can pass the examination for
13 licensure pursuant to sections 334.700 to 334.725] **have passed the National
14 Athletic Trainers Association Board of Certification, or its successor
15 agency, examination.**

16 2. The board shall grant, without examination, licensure to any qualified
17 nonresident athletic trainer holding a license or licensure in another state if such
18 other state recognizes licenses or licensure of the state of Missouri in the same
19 manner.

334.715. 1. The board may refuse to license any applicant or may
2 suspend, revoke, or refuse to renew the license of any licensee for any one or any
3 combination of the causes provided in section 334.100, or if the applicant or
4 licensee:

5 (1) Violated or conspired to violate any provision of sections 334.700 to
6 334.725 or any provision of any rule promulgated pursuant to sections 334.700
7 to 334.725; or

8 (2) Has been found guilty of unethical conduct as defined in the ethical
9 standards of the National Athletic Trainers Association or the National Athletic
10 Trainers Association Board of Certification, **or its successor agency**, as
11 adopted and published by the committee and the board and filed with the
12 secretary of state.

13 2. Upon receipt of a written application made in the form and manner
14 prescribed by the board, the board may reinstate any license which has expired,
15 been suspended or been revoked or may issue any license which has been denied;
16 provided, that no application for reinstatement or issuance of license or licensure
17 shall be considered until at least six months have elapsed from the date of denial,
18 expiration, suspension, or revocation when the license to be reinstated or issued

19 was denied issuance or renewal or was suspended or revoked for one of the causes
20 listed in subsection 1 of this section.

334.721. 1. Nothing in sections 334.700 to 334.725 shall be construed to
2 authorize the practice of medicine by any person not licensed by the state board
3 of registration for the healing arts.

4 2. The provisions of sections 334.700 to 334.725 shall not apply to the
5 following persons:

6 (1) Physicians and surgeons licensed by the state board of registration for
7 the healing arts;

8 (2) Dentists licensed by the Missouri dental board who confine their
9 practice strictly to dentistry;

10 (3) Optometrists licensed by the state board of optometry who confine
11 their practice strictly to optometry, as defined in section 336.010, RSMo;

12 (4) Nurses licensed by the state board of nursing who confine their
13 practice strictly to nursing;

14 (5) Chiropractors licensed by the state board of chiropractic examiners
15 who confine themselves strictly to the practice of chiropractic, as defined in
16 section 331.010, RSMo;

17 (6) Podiatrists licensed by the state board of chiropody or podiatry who
18 confine their practice strictly to that of a podiatrist, as defined in section 330.010,
19 RSMo;

20 (7) Professional physical therapists licensed by the state board of
21 registration for the healing arts who confine their practice strictly to professional
22 physical therapy, as defined in section 334.500;

23 (8) Coaches and physical education instructors in the performance of their
24 duties;

25 (9) [Apprentice] Athletic [trainers] **training students** who confine
26 themselves strictly to their duties as defined in sections 334.700 to 334.725;

27 (10) Athletic trainers from other nations, states, or territories performing
28 their duties for their respective teams or organizations if they restrict their duties
29 only to their teams or organizations and only during the course of their teams' or
30 organizations' stay in this state.

337.500. As used in sections 337.500 to 337.540, unless the context clearly
2 requires otherwise, the following words and phrases mean:

3 (1) "Committee **or board**", the committee for professional counselors;

4 (2) "Department", the Missouri department of economic development;

5 (3) "Director", the director of the division of professional registration in
6 the department of economic development;

7 (4) "Division", the division of professional registration;

8 (5) "Licensed professional counselor", any person who offers to render
9 professional counseling services to individuals, groups, organizations, institutions,
10 corporations, government agencies or the general public for a fee, monetary or
11 otherwise, implying that the person is trained, experienced, and licensed in
12 counseling, and who holds a current, valid license to practice counseling;

13 (6) "Practice of professional counseling", rendering, offering to render, or
14 supervising those who render to individuals, couples, groups, organizations,
15 institutions, corporations, schools, government agencies, or the general public any
16 counseling service involving the application of counseling procedures, and the
17 principles and methods thereof, to assist in achieving more effective intrapersonal
18 or interpersonal, marital, decisional, social, educational, vocational,
19 developmental, or rehabilitative adjustments;

20 (7) "Professional counseling", includes, but is not limited to:

21 (a) The use of verbal or nonverbal counseling or both techniques, methods,
22 or procedures based on principles for assessing, understanding, or influencing
23 behavior (such as principles of learning, conditioning, perception, motivation,
24 thinking, emotions, or social systems);

25 (b) Appraisal or assessment, which means selecting, administering,
26 scoring, or interpreting instruments designed to assess a person's or group's
27 aptitudes, intelligence, attitudes, abilities, achievement, interests, and personal
28 characteristics;

29 (c) The use of referral or placement techniques or both which serve to
30 further the goals of counseling;

31 (d) Therapeutic vocational or personal or both rehabilitation in relation
32 to coping with or adapting to physical disability, emotional disability, or
33 intellectual disability or any combination of the three;

34 (e) Designing, conducting, and interpreting research;

35 (f) The use of group methods or techniques to promote the goals of
36 counseling;

37 (g) The use of informational and community resources for career, personal,
38 or social development;

39 (h) Consultation on any item in paragraphs (a) through (g) above; and

40 (i) No provision of sections 337.500 to 337.540, or of chapter 354 or 375,

41 RSMo, shall be construed to mandate benefits or third-party reimbursement for
42 services of professional counselors in the policies or contracts of any insurance
43 company, health services corporation or other third-party payer;

44 (8) "Provisional licensed professional counselor", any person who is a
45 graduate of an acceptable educational institution, as defined by division rules,
46 with at least a master's degree with a major in counseling, or its equivalent, and
47 meets all requirements of a licensed professional counselor, other than the
48 supervised counseling experience prescribed by subdivision (1) of section 337.510,
49 and who is supervised by a person who is qualified for the practice of professional
50 counseling.

337.510. 1. Each applicant for licensure as a professional counselor shall
2 furnish evidence to the committee that[:

3 (1) The applicant has met any one of the three following
4 education-experience requirements:

5 (a) The applicant has received a doctoral degree with a major in
6 counseling, or its equivalent, from an acceptable educational institution, as
7 defined by division rules, and has completed at least one year of acceptable
8 supervised counseling experience subsequent to receipt of the doctoral degree; or

9 (b) The applicant has received a specialist's degree with a major in
10 counseling, or its equivalent, from an acceptable educational institution, as
11 defined by division rules, and has completed at least one year of acceptable
12 supervised counseling experience subsequent to receipt of the specialist's degree;
13 or

14 (c) The applicant has received at least a master's degree with a major in
15 counseling, or its equivalent, from an acceptable educational institution as
16 defined by division rules, and has completed two years of acceptable supervised
17 counseling experience subsequent to receipt of the master's degree. An applicant
18 may substitute thirty semester hours of post-master's graduate study, or their
19 equivalent, for one of the two required years of acceptable supervised counseling
20 experience, if such hours are clearly related to the field of professional counseling
21 and are earned from an acceptable educational institution;

22 **(2)] the applicant is at least eighteen years of age, is of good**
23 **moral character, is a United States citizen or is legally present in the**
24 **United States; and**

25 **(1) The applicant has completed a course of study as defined by**
26 **the board rule leading to a master's, specialist's, or doctoral degree**

27 **with a major in counseling; and**

28 **(2) The applicant has completed acceptable supervised**
29 **counseling as defined by board rule. If the applicant has a master's**
30 **degree with a major in counseling as defined by board rule, the**
31 **applicant shall complete at least two years of acceptable supervised**
32 **counseling experience subsequent to the receipt of the master's**
33 **degree. The composition and number of hours comprising the**
34 **acceptable supervised counseling experience shall be defined by board**
35 **rule. An applicant may substitute thirty semester hours of post**
36 **master's graduate study for one of the two required years of acceptable**
37 **supervised counseling experience if such hours are clearly related to**
38 **counseling.**

39 **(3) After August 28, 2007, each applicant shall have completed a**
40 **minimum of three hours of graduate level coursework in diagnostic systems**
41 **either in the curriculum leading to [his or her] a degree or as post master's**
42 **graduate level course work;**

43 **[(3)] (4) Upon examination, the applicant is possessed of requisite**
44 **knowledge of the profession, including techniques and applications, research and**
45 **its interpretation, and professional affairs and ethics.**

46 **2. [A licensed professional counselor who has had no violations and no**
47 **suspensions and no revocation of a license to practice professional counseling in**
48 **any jurisdiction may receive a license in Missouri provided said licensed**
49 **professional counselor passes a written examination on Missouri laws and**
50 **regulations governing the practice of professional counseling as defined in section**
51 **337.500, and meets one of the following criteria:**

52 **(1) Is a member in good standing and holds a certification from the**
53 **National Board for Certified Counselors;**

54 **(2) Is currently licensed or certified as a licensed professional counselor**
55 **in another state, territory of the United States, or the District of Columbia; and**

56 **(a) Meets one of the educational standards set forth in paragraphs (a) and**
57 **(b) of subdivision (1) of subsection 1 of this section;**

58 **(b) Has been licensed for the preceding five years; and**

59 **(c) Has had no disciplinary action taken against the license for the**
60 **preceding five years; or**

61 **(3) Is currently licensed or certified as a professional counselor in another**
62 **state, territory of the United States, or the District of Columbia that extends like**

63 privileges for reciprocal licensing or certification to persons licensed by this state
64 with similar qualifications.

65 3.] Any person who previously held a valid unrevoked, unsuspended
66 license as a professional counselor in this state and who held a valid license **as**
67 **a professional counselor** in another state at the time of application to the
68 committee shall be granted a license to engage in professional counseling in this
69 state upon application to the committee accompanied by the appropriate fee as
70 established by the committee pursuant to section 337.507.

71 **3. Any person holding a current license, certificate of**
72 **registration, or permit from another state or territory of the United**
73 **States to practice as a professional counselor may be granted a license**
74 **without examination to engage in the practice of professional**
75 **counseling in this state upon the application to the board, payment of**
76 **the required fee as established by the board, and satisfying one of the**
77 **following requirements;**

78 (1) **Approval by the American Association of State Counseling**
79 **Boards (AASCB) or its successor organization according to the**
80 **eligibility criteria established by AASCB. The successor organization**
81 **shall be defined by board rule; or**

82 (2) **In good standing and currently certified by the National**
83 **Board for Certified Counselors or its successor organization and has**
84 **completed acceptable supervised counseling experience as defined by**
85 **board rule. The successor organization shall be defined by board rule;**
86 **or**

87 (3) **Determination by the board that the requirements of the**
88 **other state or territory are substantially the same as Missouri and**
89 **certified by the applicant's current licensing entity that the applicant**
90 **has a current license. The applicant shall also consent to examination**
91 **of any disciplinary history.**

92 4. The committee shall issue a license to each person who files an
93 application and fee [as required by the provisions of sections 337.500 to 337.540]
94 and who furnishes evidence satisfactory to the committee that the applicant has
95 complied with the provisions [of subdivisions (1) and (2) of subsection 1 of this
96 section or with the provisions of subsection 2 or 3] of this [section] **act and has**
97 **taken and passed a written, open-book examination on Missouri laws**
98 **and regulations governing the practice of professional counseling as**

99 **defined in section 337.500.** The division shall issue a provisional professional
100 counselor license to any applicant who meets all requirements [of subdivisions (1)
101 and (2) of subsection 1] of this section, but who has not completed the required
102 [one or two years of] acceptable supervised counseling experience [required by
103 paragraphs (a) to (c) of subdivision (1) of subsection 1 of this section,] and such
104 applicant may reapply for licensure as a professional counselor upon completion
105 of such acceptable supervised counseling experience.

106 5. All persons licensed to practice professional counseling in this state
107 shall pay on or before the license renewal date a renewal license fee and shall
108 furnish to the committee evidence of the completion of the requisite
109 number of hours of continuing education **as required by rule**, which shall be
110 no more than forty hours biennially. The continuing education requirements may
111 be waived by the committee upon presentation to the committee of satisfactory
112 evidence of the illness of the licensee or for other good cause.

337.615. 1. Each applicant for licensure as a clinical social worker shall
2 furnish evidence to the committee that:

3 (1) The applicant has a master's degree from a college or university
4 program of social work accredited by the council of social work education or a
5 doctorate degree from a school of social work acceptable to the committee;

6 (2) The applicant has completed three thousand hours of supervised
7 clinical experience with a licensed clinical social worker acceptable to the
8 committee, as defined by rule, in no less than twenty-four months and no more
9 than forty-eight consecutive calendar months;

10 (3) The applicant has achieved a passing score, as defined by the
11 committee, on an examination approved by the committee. The eligibility
12 requirements for such examination shall be promulgated by rule of the committee;

13 (4) The applicant is at least eighteen years of age, is of good moral
14 character, is a United States citizen or has status as a legal resident alien, and
15 has not been convicted of a felony during the ten years immediately prior to
16 application for licensure.

17 2. [A licensed clinical social worker who has had no violations and no
18 suspensions and no revocation of a license to practice clinical social work in any
19 jurisdiction may receive a license in Missouri provided said clinical social worker
20 passes a written examination and] **Any person holding a current license,
21 certificate of registration, or permit from another state or territory of
22 the United States or the District of Columbia to practice clinical social**

23 **work who has had no disciplinary action taken against the license,**
24 **certificate of registration, or permit for the preceding five years may**
25 **be granted a license to practice clinical social work in this state if the**
26 **person** meets one of the following criteria:

27 (1) [Is currently licensed or certified as a licensed clinical social worker
28 in another state, territory of the United States, or the District of Columbia; and

29 (a) Who] Has received a masters or doctoral degree from a college or
30 university program of social work accredited by the council of social work
31 education[;

32 (b)] **and has been licensed to practice clinical social work** for the
33 preceding five years; [and

34 (c) Has had no disciplinary action taken against the license for the
35 preceding five years;] or

36 (2) Is currently licensed or certified as a clinical social worker in another
37 state, territory of the United States, or the District of Columbia [that extends like
38 privileges for reciprocal licensing or certification to persons licensed by this state
39 with similar qualifications] **having substantially the same requirements as**
40 **this state for clinical social workers.**

41 3. The committee shall issue a license to each person who files an
42 application and fee as required by the provisions of sections 337.600 to 337.639
43 and who furnishes evidence satisfactory to the committee that the applicant has
44 complied with the provisions of subdivisions (1) to (4) of subsection 1 of this
45 section or with the provisions of subsection 2 of this section. The committee shall
46 issue a provisional clinical social worker license to any applicant who meets all
47 requirements of subdivisions (1), (3) and (4) of subsection 1 of this section, but
48 who has not completed the twenty-four months of supervised clinical experience
49 required by subdivision (2) of subsection 1 of this section, and such applicant may
50 reapply for licensure as a clinical social worker upon completion of the
51 twenty-four months of supervised clinical experience.

2 340.222. A supervisor, as defined in subdivision [(17)] (19) of section
3 340.200, is individually and separately responsible and liable for the performance
4 of the acts delegated to and the omissions of the veterinary technician, veterinary
5 medical candidate, temporary licensee, veterinary medical preceptee, unregistered
6 assistant or any other individual working under his or her supervision. Nothing
7 in this section shall be construed to relieve veterinary technicians, veterinary
8 medical candidates, provisional licensees, temporary licensees, veterinary medical

8 preceptees or unregistered assistants of any responsibility or liability for any of
9 their own acts or omissions.

340.234. 1. If the board determines that the applicant possesses the
2 proper qualifications as set forth in subsection 3 of section 340.228, it shall admit
3 the applicant to the next scheduled examination.

4 2. Applicants shall submit an application and the registration and
5 examination fees [at least sixty days prior to taking the examination] **as**
6 **required by rule of the board.**

7 3. The board shall establish the requirements for a passing score on the
8 examination. In order for a previous examination score to be transferred for a
9 current licensing period, the score must have been received within five years prior
10 to the application. If that passing score was not received within three attempts,
11 the board may require the applicant to appear before the board or submit
12 evidence that the applicant has completed at least thirty hours of board-approved
13 continuing education. The board shall have sole discretion on whether to accept
14 for transfer a score from another state's licensing authority.

15 4. If all the other requirements of sections 340.200 to 340.330 have been
16 met, the board shall issue licenses to the persons who successfully completed the
17 examination. The executive director shall record the new licenses.

18 5. If the board determines that the applicant is eligible for licensure
19 without examination through the reciprocity provision of section 340.238, the
20 board may grant the applicant a license without examination.

621.100. 1. Upon receipt of a written complaint from an agency named
2 in section 621.045 in a case relating to a holder of a license granted by such
3 agency, or upon receipt of such complaint from the attorney general, the
4 administrative hearing commission shall cause a copy of said complaint to be
5 served upon such licensee in person or by certified mail, together with a notice
6 of the place of and the date upon which the hearing on said complaint will be
7 held. **If service cannot be accomplished in person or by certified mail,**
8 **notice by publication as described in subsection 3 of section 506.160,**
9 **RSMo, shall be allowed; any commissioner is authorized to act as a**
10 **court or judge would in that section, and any employee of the**
11 **commission is authorized to act as a clerk would in that section.** In any
12 case initiated upon complaint of the attorney general, the agency which issued
13 the license shall be given notice of such complaint and the date upon which the
14 hearing will be held by delivery of a copy of such complaint and notice to the

15 office of such agency or by certified mail. Such agency may intervene and may
16 retain the services of legal counsel to represent it in such case.

17 2. In any case initiated under this section, the custodian of the records of
18 an agency may prepare a sworn affidavit stating truthfully pertinent information
19 regarding the license status of the licensee charged in the complaint, including
20 only: the name of the licensee; his license number; its designated date of
21 expiration; the date of his original Missouri licensure; the particular profession,
22 practice or privilege licensed; and the status of his license as current and active
23 or otherwise. This affidavit shall be received as substantial and competent
24 evidence of the facts stated therein notwithstanding any objection as to the form,
25 manner of presentment or admissibility of this evidence, and shall create a
26 rebuttable presumption of the veracity of the statements therein; provided,
27 however, that the procedures specified in section 536.070, RSMo, shall apply to
28 the introduction of this affidavit in any case where the status of this license
29 constitutes a material issue of fact in the proof of the cause charged in the
30 complaint.

 621.110. Upon a finding in any cause charged by the complaint for which
2 the license may be suspended or revoked as provided in the statutes and
3 regulations relating to the profession or vocation of the licensee, the commission
4 shall deliver or transmit by [certified] mail to the agency which issued the license
5 the record and a transcript of the proceedings before the commission together
6 with the commission's findings of fact and conclusions of law. The commission
7 may make recommendations as to appropriate disciplinary action but any such
8 recommendations shall not be binding upon the agency. A copy of the findings
9 of fact, conclusions of law and the commission's recommendations, if any, shall
10 be [served upon] **delivered or transmitted by mail to the licensee [in person**
11 **or by certified mail] if the licensee's whereabouts are known, and to any**
12 **attorney who represented the licensee.** Within thirty days after receipt of
13 the record of the proceedings before the commission and the findings of fact,
14 conclusions of law, and recommendations, if any, of the commission, the agency
15 shall set the matter for hearing upon the issue of appropriate disciplinary action
16 and shall notify the licensee of the time and place of the hearing, provided that
17 such hearing may be waived by consent of the agency and licensee where the
18 commission has made recommendations as to appropriate disciplinary action. In
19 case of such waiver by the agency and licensee, the recommendations of the
20 commission shall become the order of the agency. The licensee may appear at

21 said hearing and be represented by counsel. The agency may receive evidence
22 relevant to said issue from the licensee or any other source. After such hearing
23 the agency may order any disciplinary measure it deems appropriate and which
24 is authorized by law. In any case where the commission fails to find any cause
25 charged by the complaint for which the license may be suspended or revoked, the
26 commission shall dismiss the complaint, and so notify all parties.

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